



**Republic v Vernasio (Criminal Case 21 of 2019)
[2024] KEHC 16340 (KLR) (19 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16340 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
CRIMINAL CASE 21 OF 2019
EM MURIITHI, J
DECEMBER 19, 2024**

BETWEEN

REPUBLIC PROSECUTION

AND

JOTHAM MUCHUI VERNASIO ACCUSED

RULING

1. The Court has considered the evidence adduced by the Prosecution witnesses in this matter seeking to prove the charge of murder contrary to section 203 as read with 204 of the Penal Code as against the 1st Accused. The 2nd Accused was convicted and sentenced to imprisonment for 10 years on 13th October 2021 following a plea bargain agreement reducing the initial charge of murder to one of manslaughter contrary to section 202 as read with 205 of the Penal Code.
 2. The court is of the opinion that the Prosecution has established a prima facie case within the meaning of *Bhatt v. R* [1957] EA 332.
 3. In accordance with the guidance of the Court of Appeal in *Antony Njue Njeru v. R* [2006] eKLR, the Court does not give reason for its opinion at this stage so as not to prejudice the fair trial before the Court by giving an impression that it had already made up its mind on the matter.
 4. The 1st Accused is placed on his defence in accordance with section 306(2) of the Criminal Procedure Code, and his rights there-under are explained.
 5. The defence hearing shall be had on a date to be fixed in consultation with Counsel for the Accused and the DPP.
 6. Mention for directions as to Defence hearing on 21/01/2025.
- Order accordingly.



DATED AND DELIVERED ON THIS 19TH DAY OF DECEMBER 2024.

EDWARD M. MURIITHI

JUDGE

Appearances

Mr. Masila, Prosecution Counsel.

Mr. Thangicia for the Accused.

